

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 18,993
)	
Appeal of)	
)	

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her Reach Up benefits.

FINDINGS OF FACT

1. The petitioner and her husband have three children. They all received Reach Up benefits when the petitioner's husband lost his job.

2. On March 3, 2004, the petitioner reported that her husband had begun to work on March 1 and was earning \$1,462 per month.

3. Based on this information, PATH recalculated the family's eligibility. PATH deducted \$150 and 25 percent of the gross income (\$478) for a countable income of \$984 per month. Because the Reach Up maximum payment for a family of five is \$861.55 the family was notified on March 8, 2004 that the family's RUFA benefits would cease on March 31, 2004. The petitioner appealed that decision and her benefits continued.

4. The petitioner's husband had to quit the job for health reasons on April 16 and the family reapplied for benefits and was interviewed on April 30. At the time of the hearing on May 4, the family had not yet received a determination of their eligibility for benefits under their new application.

5. The petitioner does not dispute that the family income was in excess of standards during the period of time her husband worked. However, she believes that the family should have had an extra month of benefits based on bills that they needed to catch up on.

ORDER

The decision of PATH is affirmed.

REASONS

The petitioner timely reported that her husband was re-employed at which time PATH is required to consider how that report affects eligibility for benefits. W.A.M. 2220. In calculating eligibility for benefits, PATH is required to use the gross reported earned income subject to an incentive disregard deduction of \$150 and 25 percent of the remainder. W.A.M. 2253 and 2253.33. That amount is compared to the applicable need standard for the family which for a five-

person household is \$861.55. W.A.M. 2245.2, 2245.24 and 2245.3. If the calculation renders the assistance group ineligible, the regulations require that "assistance shall be terminated for the earliest date for which the processing and notice deadline has not passed." W.A.M. 2220. Notice provisions require PATH to mail a notice of termination "no less than ten days" prior to the effective date of the termination. W. A.M. 2228. There are no regulations which allow extension of the termination date to cover unpaid bills.

The facts show that PATH correctly followed these regulations in this case and that the petitioner's RUFA benefits were correctly terminated as of March 31, 2004 based on her report of disqualifying income on March 3. The Board must uphold this decision as it is consistent with PATH's regulations.

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